

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI**

DYLAN MARTIN, on behalf of himself and  
all others similarly situated,

Plaintiff,

Case No.: 4:20-cv-01128-RLW

v.

LINDENWOOD UNIVERSITY,

Defendant.

**JOINT MOTION FOR LEAVE TO DESIGNATE A NON-COURT CERTIFIED  
NEUTRAL**

Plaintiff Dylan Martin and Defendant Lindenwood Female College d/b/a Lindenwood University (the “Parties”), by and through their respective counsels, hereby respectfully submit their Motion for Leave to Designate a Non-Court Certified Neutral, the Hon. Wayne R. Andersen (Ret.) of JAMS Mediation, as follows:

1. Pursuant to this Court’s July 1, 2021 Order, this case is referred to Mediation.
2. The Parties have conferred with one another and have selected the Honorable Wayne Andersen as the neutral.
3. Prior to working as a mediator, Judge Andersen served as a U.S. District Judge for the Northern District of Illinois for 19 years and as a state court trial judge for 7 years.
4. Judge Andersen has special subject matter expertise germane to this matter, including acting as a neutral in substantially similar cases against schools that canceled in-person instruction in response to the COVID-19 pandemic.

5. Judge Andersen has mediated numerous consumer class actions adjudicated by other courts in this district, including in front of Chief Judge Rodney W. Sippel.
6. Judge Andersen has helped parties resolve disputes in a wide array of matters including acting as a mediator, arbitrator and discovery master for commercial, class action, employment, health care, IP, securities and personal injury matters. Judge Andersen has mediated dozens of class action matters, resolving both the substantive claims and the attorneys' fees issues for many of these cases. Judge Andersen's class action experience has additionally covered the areas of product liability cases, Telephone Consumer Protection Act cases, Fair Credit Reporting Act cases, employment cases, banking/finance cases, general consumer protection cases, insurance coverage issues, and attorney's fees disputes.
7. This motion is accompanied by a Notice of Non-Court Certified Neutral, attached hereto as Exhibit A.

Dated: July 22, 2021

Respectfully Submitted,

By: /s/ Joseph I. Marchese  
Joseph I. Marchese

**BURSOR & FISHER, P.A.**  
Joseph I. Marchese  
888 Seventh Avenue  
New York, NY 10019  
Telephone: (646) 837-7150  
Facsimile: (212) 989-9163  
Email: jmarchese@bursor.com

*Attorney for Plaintiff*

By: /s/ Martin M. Loring  
Martin M. Loring, #29712  
HUSCH BLACKWELL LLP  
4801 Main Street, Suite 1000  
Kansas City, Missouri 64112  
Telephone: (816) 983-8000  
Facsimile: (816) 983-8080  
martin.loring@huschblackwell.com

Kyle P. Seelbach. #60382  
Mohsen Pasha, #67373  
HUSCH BLACKWELL LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, Missouri 63105  
Phone: (314) 480-1500  
Fax: (314) 480-1551  
kyle.seelbach@huschblackwell.com  
mohsen.pasha@huschblackwell.com  
*Attorneys for Lindenwood University*

**CERTIFICATE OF SERVICE**

I hereby certify that on July 22, 2021, a copy of the foregoing was filed electronically with the Clerk of the Court using the CM/ECF system, which in turn forwarded notification of same to all counsel of record in these proceedings.

By: /s/ Joseph I. Marchese  
Joseph I. Marchese